



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

**May 22, 1970**

**Honorable Otis C. Shearer, III Opinion No. M- 637  
County Attorney of**

**Lipscomb County  
P. O. Box 188  
Booker, Texas 79005**

**Re: Whether, in a county  
having only one jail,  
it is required that such  
county jail be located  
at the county seat.**

**Dear Mr. Shearer:**

Your recent letter requesting the opinion of this office concerning the referenced matter states, in part, as follows:

"In summary, we would ask your office to give an opinion on the following question:

"In a county which has only one jail, is it required that such County Jail be located at the county seat where the courthouse is also situated?" (Emphasis added.)

Article 1603, Vernon's Civil Statutes, provides as follows:

"The county commissioners court of each county as soon as practicable after the establishment of a county seat, or after its removal from one place to another, shall provide a court house and jail for the county, and offices for county officers at such county seat and keep the same in good repair." (Emphasis added.)

Furthermore, Article 1605, Vernon's Civil Statutes, provides, in part, that:

"The County Judge, Sheriff, Clerks of the District and of the County Courts, County Treasurer, Assessor and Collector of Taxes, County Surveyor and County Attorney of the several counties of this State, shall keep their offices at the county seats of their respective counties..." (Emphasis added.)

Article 2370b, Section 1, Vernon's Civil Statutes, states in part:

"Whenever the Commissioners Court of any county determines that...the county jail is not adequate in size or facilities to properly confine prisoners and other persons who may be legally confined or detained in a county jail, the Commissioners Court may purchase...or otherwise acquire...(a) jail building or buildings (in addition to the existing...jail)...; and may purchase and improve the necessary site or sites therefor, and may use such building or buildings for any or all of such purposes, provided that any such building or buildings so acquired shall be located in the county seat..." (Emphasis added.)

In view of the foregoing statutes, it is the opinion of this office that, in a county having only one jail, the county jail must be located at the county seat.

SUMMARY

In a county having only one jail, the county jail must be located at the county seat.

Very truly yours,

  
CRAWFORD C. MARTIN

Attorney General of Texas

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